

Board of Adjustment

Minutes



**City Council Chambers, Lower Level
February 10, 2009**

Board members Present:

Mike Clement, Chair
Dianne von Borstel, Vice Chair
Garret McCray
Greg Hitchens
Judah Nativio
Linda Sullivan
Scott Thomas

Staff Present:

Gordon Sheffield
Angelica Guevara
Wahid Alam
Tim Lillo

Others Present:

Casil Libman
Sean Lake
Others

The study session began at 4:40 p.m. The Public Hearing meeting began at 5:36 p.m. Before adjournment at 5:43 p.m., the following items were considered and recorded. The recording is available on request.

Study Session 4:40 p.m.

- A. The study session began at 4:40 p.m. The items scheduled for the Board's Public Hearing were discussed.
- B. Zoning Administrator update – The Zoning Administrator provided information to the Board on the following: the relocation of the Planning Division to 55 N. Center St., the proposed 4 day - 10 hour per day work week, consolidation of the Planning Advisory Boards, and Special Use Permits for Comprehensive Youth Residences.

Public Hearing 5:36 p.m.

- A. Consider Minutes from the January 13, 2009 Meeting A motion was made to approve the minutes by Boardmember McCray and seconded by Boardmember Thomas. Vote: Passed 7-0
- B. Consent Agenda A motion to approve the consent agenda with a modification to case BA09-008 was made by Boardmember Hitchens and seconded by Boardmember Thomas. Vote: Passed 7-0

**Board of Adjustment Meeting
February 10, 2009**

Case No.: BA09-005

Location: 1422 West Bass Pro Drive

Subject: Requesting a Special Use Permit (SUP) for a comprehensive sign plan for the Hyatt Place Hotel in the PEP-BIZ-PAD zoning district.

Decision: Approved with conditions.

Summary: This case was on the consent agenda and not discussed on an individual basis.

Motion: It was moved by Boardmember Hitchens, seconded by Boardmember Thomas to approve case BA09-05 with the following conditions:

1. *Compliance with the sign plan submitted, except as modified by the conditions listed below.*
2. *The background behind logo (circles) attached to the building will be painted to match E.I.F.S. color.*
3. *A planter box will be provided around the monument sign with design and materials that are consistent with the freestanding signs for the office building.*
4. *Compliance with all requirements of the Building Safety Division in the issuance of sign permits.*

Vote: Passed 7-0

Findings:

- 1.1 The requested Special Use Permit (SUP) will allow a Comprehensive Sign Plan (CSP) for the Hyatt Place Hotel, currently under development.
- 1.2 As justification for the request the applicant has noted: 1) signage proportional to the building size and architecture; and 2) the need to direct customers to the hotel 24 hours a day from the perimeter of the development.
- 1.3 Building elevations are provided that show the signage is in proportion to the scale of the building. The placement of attached signs helps to break-up the elevation and provide more visual interest. The largest sign is proposed on the east elevation which faces towards Alma School Road, approximately 1,300+ feet away. The attached signage on all sides of the building is visible from the exterior boundaries of the Mesa Riverview Development and is the primary signage intended to direct customers to the hotel.
- 1.4 Standard sign ordinance maximums are often not sufficient to address the unique development that occurs within the Mesa Riverview development, specifically a hotel without direct frontage to a public street. The applicant has proposed a sign package that addresses this unique circumstance, while maintaining a proportion and scale with the building. The proposed sign package, including the recommended conditions of approval, will be compatible with and not detrimental to the surrounding development.

**Board of Adjustment Meeting
February 10, 2009**

Case No.: BA09-006

Location: 1023 West 9th Place

Subject: Requesting a variance to allow an attached 3-car garage with storage space to encroach into the required side yard setback in the R1-6 zoning district.

Decision: Approved with conditions.

Summary: This case was on the consent agenda and not discussed on an individual basis.

Motion: It was moved by Boardmember Hitchens, seconded by Boardmember Thomas to approve case BA09-05 with the following conditions:

1. *Compliance with the site plan submitted.*
2. *Compliance with all requirements of the Building Safety Division in the issuance of sign permits.*

Vote: Passed 7-0

Findings:

- 1.1 The applicant proposal includes the construction of a 936 square foot garage within the side yard of the subject parcel. The proposed garage would encroach 3'-3" into the required 10-foot side yard setback.
- 1.2 The maximum aggregate roof area in the R1-6 zoning district is 40% of lot coverage. The roof area for the entire primary dwelling, including the proposed garage, is 35.4% of the lot area which is 9,583.
- 1.3 The garage addition is possible without exceeding the maximum 40% lot coverage permitted.
- 1.4 The justifications noted by the applicant are unique to this site. The subject parcel at 75'x112.92' is of similar size and orientation as other parcels in the vicinity. Although the setbacks do not conform to R1-6 typicals, the existing side yard setbacks are similar to the neighboring homes. Adjacent and neighboring homes have side yard setbacks ranging from almost 0' to 20'.
- 1.5 The existing house structure was constructed in 1934 and was placed at the current location in 1965 prior to the current City of Mesa Zoning Ordinance. 11-4-5(A) – Density, Area, Building and Yard Regulations.

**Board of Adjustment Meeting
February 10, 2009**

Case No.: BA09-007

Location: 2750 East University Drive

Subject: Requesting a Development Incentive Permit (DIP) to allow the development of a bank in the C-2 zoning district.

Decision: Approved with conditions.

Summary: This case was on the consent agenda and not discussed on an individual basis.

Motion: It was moved by Boardmember Hitchens, seconded by Boardmember Thomas to approve case BA09-007 with the following conditions:

1. *Compliance with the site and landscape plans submitted, except as modified by the conditions below.*
2. *A 10'-0" landscape yard will be provided adjacent to Lindsay Road that is out of the future right-of-way.*
3. *A pedestrian connection will be provided from the proposed building to Lindsay Road.*
4. *A two foot wide foundation base will be provided along the west elevation of the building except at the teller window.*
5. *Parking spaces will be screened from Lindsay Road and University Drive.*
6. *Compliance with all requirements of the Design Review Board.*
6. *Compliance with all requirements of the Building Safety Division in the issuance of building permits.*

Vote: Passed 7-0

Findings:

- 1.1 The requested Development Incentive Permit (DIP) will allow the development of a bank on an existing C-2 zoned parcel. This site was previously developed for a gas station that will be razed to accommodate this proposal. Dedication of right-of-way to accommodate future street improvements is required to achieve a 75-foot right-of-way for Lindsay Road and a 65-foot right-of-way for University Drive. The net developable lot area is reduced from approximately 36,000 square feet to 30,600 square feet.
- 1.2 The requested deviations will allow reduction in the building/landscape setbacks from Lindsay Road and University Drive.
- 1.3 Consistent with the definition of 'by-passed', the subject parcel is less than 2.5 acres in size and has been in the current configuration for more than 10 years, has direct access to existing utilities, and is surrounded by developed properties. A DIP is permitted for 'by-passed' parcels that are unable to meet development standards. .
- 1.4 Consistent with the requirements of a DIP, deviation to current development standards are necessary to accommodate development of this site with a viable use. The deviations requested will allow development of the site in a manner consistent with development on the southeast and southwest corners of the intersection.

**Board of Adjustment Meeting
February 10, 2009**

- 1.5** Due to the significantly reduced setbacks a high quality building with architecture that exceeds the minimum design standards is necessary to allow the building to become the streetscape. The Design Review Board (DRB) members reviewed the proposal as a work session item on February 4, 2009. The DRB members provided several comments on the building architecture, including suggestions for improvement.
- 1.6** Concerns related to foundation base width, high quality building architecture, signage, the proximity of the Lindsay Road driveway to the intersection, the provision for screening devices, and a General Plan policy relating to automotive uses on arterial street intersections have been addressed by the applicant or through conditions of approval. Sufficient justification exists for the requested DIP. The applicant has provided a development that meets the intent of current development standards, while allowing the development of a reasonably sized and economically viable building.

**Board of Adjustment Meeting
February 10, 2009**

Case No.: BA09-008

Location: 7930 East Baseline Road

Subject: Requesting a Substantial Conformance Improvement Permit (SCIP) to facilitate the development of a new building for an existing church site in the R1-6 zoning district.

Decision: Approved with conditions

Summary: This case was on the consent agenda and not discussed on an individual basis.

Motion: It was moved by Boardmember Hitchens, seconded by Boardmember Thomas to approve case BA09-008 with the following conditions:

1. *Compliance with the site and landscape plans submitted except as modified by the conditions below.*
2. *Removal and replacement of all dead and dying landscape materials. Provide plant materials per 11-15-3(A) and 11-15-4(B).*
3. *Installation of screen walls or berming/landscaping to screen parking along Baseline Road, 80th Street and the west property line per 11-15-4(B)10. Flexibility in the design of the screening devices adjacent to the parking will be allowed due to the future widening of Baseline Road.*
4. *Curbing and landscape islands will be provided in the existing parking lot per 11-15-3(E)13.14. Remove existing asphalt surfaces from the landscape and building setback areas.*
5. *Provide a foundation base around proposed and existing buildings per 11-15-3(C).*
6. *Provide a six foot high masonry wall along the north property line where required per 11-15-4(B)11.*
7. *Retention basins shall be designed per 11-15-3(D)1-9.*
8. *Compliance with all requirements of the Building Safety Division in the issuance of building permits.*
9. *Compliance with all requirements for off-site improvements or in lieu payments including right-of-way dedication.*

Vote: Passed 7-0

Findings:

- 1.1 The approved development consists of a single story 14,047 square-foot church/Sunday school building that will be an extension of the existing church facility at the same location.
- 1.2 The approved request will allow the expansion of a non-conforming site.
- 1.3 The proposed development consists of a single story 14,047 square-foot church/Sunday school building that will be an extension of the existing church facility at the same location. Two existing single story buildings will be retained and are used for The 'Light in the Desert' church activity. The area was annexed in 1985 (Ord.No. 1936) and was subsequently rezoned in 1986 (Z86-50) to R1-6. The development as approved does not comply with current code requirements in regards to

**Board of Adjustment Meeting
February 10, 2009**

- landscape and building setbacks, parking lot landscape islands, and foundation base. However; the development will comply substantially with Board comments and conditions of approval.
- 1.4** The existing overall development cannot be brought into compliance with current code without creating additional nonconformities related to parking, landscaping, and building separation or without the demolition of existing buildings. As a result, the development does qualify for a SCIP.
- 1.5** The applicant's revised site plan along with recommended conditions of approval will provide substantial conformance with current code. In addition, all dead and dying landscape will be replaced in an effort to bring the rest of the site closer to compliance with current code requirements.

**Board of Adjustment Meeting
February 10, 2009**

Case No.: BA09-009

Location: 3818 East Brown Road

Subject: Requesting a variance to allow a detached garage to encroach into the required 10 foot side yard setback in the R1-35 district.

Decision: Continued to the March 10, 2009 hearing.

Summary: This case was on the consent agenda and not discussed on an individual basis.

Motion: It was moved by Boardmember Hitchens, seconded by Boardmember Thomas to continue case BA09-009 to the March 10, 2009 hearing.

Vote: Passed 7-0

Findings: N/A

Respectfully submitted,

Angelica Guevara,
Senior Planner
Secretary, Board of Adjustment

Minutes written by Mia Lozano-Helland

G:\Board of Adjustment\Minutes\2009 Minutes\02 February.doc